

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11-cr-299-09

v.

HONORABLE PAUL L. MALONEY

SAMUEL GRANILLO-HERRERA,

Defendant.

/

**MEMORANDUM OPINION AND ORDER**

Defendant Samuel Granillo-Herrera has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, the defendant is not eligible for a sentence modification. Defendant was sentenced to the statutory maximum of 48 months on each of Counts 1 and 2, to be served consecutively for a total of 96 months. After application of Amendment 782, the amended guideline range is 135 to 168 months. Absent an appropriate motion by the government,

U.S.S.G. § 1.B.1.10 does not permit the Court to go below the amended range. Therefore, Amendment 782 does not retroactively lower the defendant's sentencing guideline range.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Samuel Granillo-Herrera's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 306) is **DENIED**.

Date: December 14, 2015

/s/ Paul L. Maloney

Paul L. Maloney  
United States District Judge